

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 17 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

CITY NATIONAL BANK, a national
banking association, as acquirer of
certain assets from the Federal Deposit
Insurance Corporation acting as
receiver of Imperial Capital Bank,

Plaintiff,

v.

MOISHE TRESS, et al.,

Defendants.

Civil Action No.: 7:11-cv-73

ORDER

By: Hon. James C. Turk
Senior United States District Judge

This matter is before the Court on Defendant's Motion to Dismiss. ECF No. 35. For good cause shown, it is hereby

ADJUDGED AND ORDERED

that the Motion to Dismiss is **DENIED**.

The Clerk of Court is directed to send copies of this order to counsel of record for both parties.

ENTER: This 17th day of December, 2012.

[Signature]
Hon. James C. Turk
Senior United States District Judge